

## LOUISVILLE METRO COUNCIL COMMITTEE MINUTES

### Rules, Ethics, and Appointments Committee Meeting Summary

October 15, 2008

2:20 PM

City Hall, Third Floor

**Present:**                      **Chairman:**      **CM Fleming**  
                                 **Vice Chair:**    **CM Unseld (arrived at 2:35 p.m.)**  
                                 **Members:**     **CM Henderson, CM Tandy, and CM Call**

Chairman Fleming began the meeting by announcing the members and non-members of the committee that were present. A quorum was established.

### **Pending Legislation**

#### **AGENDA:**

Shannon Tivitt, Mayor's Office, spoke regarding the following Appointments and Reappointments.

[AP101508CH APPOINTMENT OF CARLEEN HAAS TO THE WORKFORCE INVESTMENT BOARD, INC., TERM EXPIRES JUNE 30, 2011.](#)

**Status:**      In-Committee  
**Committee:**      Rules, Ethics, & Appointments

Motion to Approve was made by Robert Henderson and seconded by Ellen Call.

**Discussion:** Ms. Haas is a Caucasian Republican.

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 1

For: David Tandy, Kenneth C. Fleming, Robert Henderson, Ellen Call  
Against: (None)  
Abstain: (None)  
Absent: George Unseld

[AP101508ST APPOINTMENT OF STEVEN TRAGER TO THE REGIONAL AIRPORT AUTHORITY, TERM EXPIRES JUNE 15, 2012.](#)

**Status:**      In-Committee  
**Committee:**      Rules, Ethics, & Appointments

Motion to Approve was made by Ellen Call and seconded by Robert Henderson.

**Discussion:** Mr. Trager is a Caucasian Democrat.

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 1

For: David Tandy, Kenneth C. Fleming, Robert Henderson, Ellen Call  
Against: (None)  
Abstain: (None)  
Absent: George Unseld

[AP101508WS APPOINTMENT OF WILLIAM R. SULZER TO THE LOUISVILLE/JEFFERSON COUNTY METRO REVENUE COMMISSION, TRM EXPIRES OCTOBER 1, 2010.](#)

**Status:** In-Committee  
**Committee:** Rules, Ethics, & Appointments

Motion to Approve was made by David Tandy and seconded by Ellen Call.

**Discussion:** Mr. Sulzer is a Caucasian Democrat from District 19.

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 1

For: David Tandy, Kenneth C. Fleming, Robert Henderson, Ellen Call  
Against: (None)  
Abstain: (None)  
Absent: George Unseld

[RP101508MH REAPPOINTMENT OF MARTIN HOEHLER TO THE METROPOLITAN SEWER DISTRICT BOARD, TERM EXPIRES JULY 31, 2011.](#)

**Status:** In-Committee  
**Committee:** Rules, Ethics, & Appointments

Motion to Approve was made by David Tandy and seconded by Robert Henderson.

**Discussion:** Mr. Hoehler is a Caucasian Republican.

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 1

For: David Tandy, Kenneth C. Fleming, Robert Henderson, Ellen Call  
Against: (None)  
Abstain: (None)  
Absent: George Unseld

Motion to Approve the following 2 items as a group was made by Robert Henderson and seconded by David Tandy.

[RP101508BR REAPPOINTMENT OF BEN RICHMOND TO THE METROPOLITAN SEWER DISTRICT BOARD, TERM EXPIRES AUGUST 31, 2011.](#)

**Status:** In-Committee  
**Committee:** Rules, Ethics, & Appointments

**Discussion:** Mr. Richmond is an African American Democrat.

[RP101508DS REAPPOINTMENT OF DOYLE STACY TO THE METROPOLITAN SEWER DISTRICT BOARD, TERM EXPIRES AUGUST 31, 2011.](#)

**Status:** In-Committee  
**Committee:** Rules, Ethics, & Appointments

**Discussion:** Mr. Stacy is a Caucasian Democrat.

The above two items were sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 1

For: David Tandy, Kenneth C. Fleming, Robert Henderson, Ellen Call  
Against: (None)  
Abstain: (None)

Absent: George Unseld

Motion to Approve the following two items as a group was made by Ellen Call and seconded by Robert Henderson.

[RP101508CA REAPPOINTMENT OF CYNTHIA ADELBURG TO THE LOUISVILLE METRO HOUSING AUTHORITY, TERM EXPIRES AUGUST 15, 2011.](#)

**Status:** In-Committee

**Committee:** Rules, Ethics, & Appointments

**Discussion:** Ms. Adelburg is a Caucasian Republican from District 8.

[RP101508RL REAPPOINTMENT OF ROSE LIVINGSTON TO THE LOUISVILLE METRO HOUSING AUTHORITY, TERM EXPIRES AUGUST 15, 2011.](#)

**Status:** In-Committee

**Committee:** Rules, Ethics, & Appointments

**Discussion:** Ms. Livingston is an African American Democrat from District 18.

The above two items were sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 1

For: David Tandy, Kenneth C. Fleming, Robert Henderson, Ellen Call

Against: (None)

Abstain: (None)

Absent: George Unseld

[O-94-05-08 AN ORDINANCE AMENDING CHAPTER 21 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES \[LMCO\] RELATING TO ETHICS.](#)

**Status:** In Committee - Tabled

**Committee:** Rules, Ethics, & Appointments

**Primary Sponsor:** Kenneth C. Fleming

Motion to Untable was made by David Tandy and seconded by Ellen Call

The item was untabled.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 1

For: David Tandy, Kenneth C. Fleming, Robert Henderson, Ellen Call

Against: (None)

Abstain: (None)

Absent: George Unseld

**Discussion:** Chairman Fleming gave a brief overview of the ordinance.

David Tandy spoke stating there are couple differences in the Ordinance and they are trying to come to an agreement regarding those changes.

Matt Lemme, Assistant County Attorney, was present to speak and answer questions. The following was discussed:

- Definitions
- Interpretations of the Ordinance
  - Interpretation will be with the Authority of the Ethics Commission
- Financial interest - Benefits
- Future Benefits

- Voting on the Budget
- Disclosures
- Avoiding the appearances of impropriety
- Transactions with Subordinates

Chairman Fleming gave a review of proposed amendments in the following sections:

- 21.01 - Definitions
- 21.02 – Standards of Conduct
- 21.03 – Transactions with Subordinates
- 21.05 – Complicity with or Knowledge of Other's Violations
- 21.06 - Conflict of Interest
- 21.08 – Financial Disclosure
- 21.09 – Nepotism
- 21.10 – Louisville/Jefferson County Ethics Commission
- 21.11 – Complaints
- 21.13 – Appeals
- 21.99 – Enforcement; Penalty
- Section II – Effective Date

Motion to Amend as follows was made by David Tandy and seconded by Robert Henderson.

- ~~Immediate~~ Family was changed to Family throughout the Ordinance
- 21.02 – Standards of Conduct
  - (M) No Metro Officer shall use, or permit to be used, his/her public office, or any information known to the officer which is not generally available to the members of the public, and which such officer receives or acquires in the course and by reason of his/her office any confidential information, as defined, for the purpose of securing financial benefit for himself/herself, any member of his/her family, or any business or nonprofit organization with which such officer is associated.
- 21.03 Transactions with Subordinates
  - ~~Official and or employee~~ were deleted
- 21.05 – Complicity with or Knowledge of Other's Violations
  - (B) to the Ethics Commission if subsection (A) is inapplicable or if the violation is past or if it is not immediately relevant to a decision, to discussion, or to actions or transactions of a specific board.
  - Anyone who reports a violation in good faith will be protected by the provision of section 21.07 21.12.
- 21.06 – Conflict of Interest
  - ~~Personal or~~ was deleted
  - (2) a member of his or her family, or the employer or business of any of these people;
  - (3) A sibling or step-sibling, step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse, or the employer or business of any of these people;
  - (4) An outside employer or business of his or hers, or of his or her spouse, or someone who works for such outside employer or business;
  - (7) a nongovernmental civic group, union, social, charitable, religious organization or any non-profit organization of which he or she, or his or her spouse is an officer, director or holds any appointed position entailing the receipt, distribution or management of funds.
  - (B) A member of the Metro Council, § 21.06(A) notwithstanding, may shall not vote on any matter with respect to: if through that vote there is no financial benefit to the Council Member or his/her family and any Conflict of Interest as defined is made a matter of Metro Council record prior to such vote.
    - (1) Any labor contract to which he or she, or a member of his/her family may be associated with;
    - (2) An appropriation by or through any city department or agency where he or she has any interest as defined in this ordinance.
- 21.08 – Financial Disclosure
  - List any position held with a for profit or nonprofit entity which has received (within the past three two years) or receives any funds from Metro Government.
- 21.10 – Louisville/Jefferson County Ethics Commission
  - ~~or employee~~ was deleted

- (D) Unless otherwise stated, all Ethics Commission decisions or determinations must be made by the affirmative vote of at least five (5) sitting members.
- (M) There is hereby created the position of Legal Counsel to the Ethics Commission. The Ethics Commission may shall employ the Legal Counsel on contract on either a full-time, or part-time basis; or may designate the Jefferson County Attorney, or a member of his/her staff as Legal Counsel; provided that if Legal Counsel is employed under contract, they shall neither be employed counsel nor any attorney with whom employed counsel has any affiliation or association shall be employed or under contract in any other capacity with Metro Government.
- (Q). The Ethics Commission shall prepare and submit an annual report to the Metro Council, summarizing the activities, decisions, and advisory opinions and financial disclosure documents of the Commission. In addition, the report shall include copies of all financial disclosure forms that have been filed with the Commission. The report may also recommend changes to the text or administration of this Ethics Code. The report must be submitted no later than July 31st of each fiscal year, covering to the fiscal year ending June 30th, and must be filed with the Metro Council Clerk, and made available on the Metro website with a statement that financial disclosure forms are available for public inspection in the office of the Metro Council Clerk. If the On a monthly basis, Ethics Commission has pending advisory opinions or decisions that extend beyond 180 calendar days, a report must be prepared and submitted to Metro Council if any pending advisory decisions or opinions have been pending for more than 180 days from the date of the complaint or request. The report shall summarize the Commission's actions on the request or complaint, summarizing its activity, reasons for delay, and an anticipated time frame for issuance of a decision. This report shall be submitted no more than 15 calendar days past the 180 calendar day deadline.
- 21.11 Complaints
  - (B) Complaints against Metro Officers shall be filed within one year of the date upon which the violation occurred. complaint arises. Complaints may be filed against Metro Officers who no longer hold office or are no longer employed for matters arising during the course of their employment.
  - ~~(D)~~ A complaint filed against a Metro Officer shall either be dismissed, or a hearing shall be scheduled as provided by this chapter within sixty (60) days of the complaint being filed, or the complaint shall be dismissed with prejudice and not be considered by any hearing authority. The Metro Officer may waive this requirement.
  - ~~(B)~~ (D) A complaint filed against a Metro Officer shall be given a hearing as provided by this chapter within sixty (60) days of the complaint being filed, or the complaint shall be dismissed with prejudice and not be considered by any hearing authority.
  - ~~(C)~~ (E) Any complaint against a Metro Officer pending for sixty (60) days or longer as of the date of the passage and approval of the ordinance amending this § 21.06 shall be given a hearing as provided by this section within thirty (30) days of the passage and approval of the said ordinance, or the complaint shall be dismissed with prejudice at the termination of that period and shall not be considered by any hearing authority. Subsection (B) to this § 21.06 shall apply to all complaints pending for less than sixty (60) days prior to the passage and approval of the said ordinance.
- 21.13 – Appeals
  - A final opinion, order, finding, or adjudication issued by the Ethics Commission under § 24-05 21.10(B)(2), or otherwise, that a Metro Officer has violated any of the provisions of this subchapter may be appealed to the Jefferson District Court or the Jefferson Circuit Court by the Metro Officer affected by the opinion, order, finding, or adjudication.
- 21.99 – Enforcement; Penalty
  - (3) In the case of a Metro Council member, be grounds for other sanctions or actions by the Metro Council under its rules, or otherwise; or
- Section II – Effective Date This ordinance shall take effect upon six (6) months after its passage and approval.

The Amendment passed.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 0

For: David Tandy, George Unseld, Kenneth C. Fleming, Robert Henderson, Ellen Call

Against: (None)

Abstain: (None)

Absent: (None)

Motion to Table this item was made by David Tandy and seconded by Ellen Call .

This item was **Tabled**.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 0

For: David Tandy, George Unseld, Kenneth C. Fleming, Robert Henderson, Ellen Call

Against: (None)

Abstain: (None)

Absent: (None)

Chairman Fleming stated that will be a Special Meeting held on Friday, October 17 at 9:30 A.M. to finish discussion on the above Ordinance.

[O-114-06-08 AN ORDINANCE AMENDING § 21.06 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES \[LMCO\], RELATING TO ETHICS COMPLAINTS.](#)

**Status:** In Committee - Held

**Committee:** Rules, Ethics, & Appointments

**Primary Sponsor:** Robert Henderson

**Discussion:** This item Remained **Held**.

Without Objection the meeting adjourned at 2:57 p.m.

**\*NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the October 23, 2008 Council Meeting.**

**KQG**